

ENTERED

October 07, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TIMOTHY FOLEY,

Plaintiff,

VS.

COASTAL COMMUNITY FEDERAL
CREDITY UNION,

Defendant.

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3:20-CV-00111

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On September 1, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 22. On September 21, 2020, Judge Edison filed a Memorandum and Recommendation (Dkt. 26) recommending that Defendant's Motion to Dismiss for Failure to State a Claim (Dkt. 18) be **GRANTED** in part and **DENIED** in part.


No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 26) is **APPROVED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Motion to Dismiss for Failure to State a Claim is **GRANTED** in part and **DENIED** in part. Specifically, Defendant's motion to dismiss Plaintiff's request for attorney's fees is **GRANTED**. However, Defendant's other requests for relief are **DENIED**.

It is so **ORDERED**.

SIGNED on Galveston Island on the 7th day of October, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE